

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

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CHIEF CLERK'S OFFICE

Illinois Bell Telephone Company	)	
	)	98-0252
Application for Review of Alternative Regulation Plan	)	
	)	
	)	
Illinois Bell Telephone Company	)	
	)	98-0335
Petition to Rebalance Illinois Bell Telephone Company's	)	(consol.)
Carrier Access and Network Access Line Rates	)	
	)	
Citizens Utility Board and People of the State of Illinois,	)	
ex rel. James E. Ryan, Attorney General of the State of	)	
Illinois,	)	00-0764 (consol.)
vs.	)	
	)	
Illinois Bell telephone Company d/b/a Ameritech Illinois	)	

CITY OF CHICAGO'S REPLY BRIEF ON EFFECT OF PUBLIC  
ACT 92-0022 ON THIS DOCKET

I. Rate Rebalancing

In its Initial Brief on the impact of the new legislation, Ameritech repeats the arguments it made in its Brief on Exceptions that the Commission should allow Ameritech to withdraw its rate rebalancing proposal. Ameritech Brief at pp. 13-14. However, the new legislation's requirement in Section 13-518 that Ameritech offer three flat rate service packages is not sufficient cause for the Commission to allow Ameritech to withdraw the rate rebalancing proposal before it in this docket. The City urges the Commission to reject Ameritech's attempt

to avoid an adverse decision in this case, a practice that has been condemned by the Illinois Supreme Court. See Gibellina v. Handley 127 Ill. 2d 122, 535 N.E. 2d 858 (1989)

Contrary to Ameritech's contention, GCI and the City identified in its Reply Brief on Exceptions valid legal and policy bases supporting a Commission decision to rule on Ameritech's rate rebalancing proposal in this docket. See GCI and City Reply Exceptions at pp. 15-16. It is noteworthy that Ameritech chose not to respond to those arguments directly in its most recent brief. As more fully discussed in GCI and the City's Reply Brief on Exceptions, both 83 Ill. Ad. Code Section 200.25 of the Commission's Rules and Section 5/2-1009 of the Illinois Code of Civil Procedure support the conclusion that the Commission should issue a ruling on Ameritech's rate rebalancing proposal in this docket.<sup>1</sup> The Commission's Rules of Practice require that in making decisions of this nature, Commission discretion be exercised to ensure integrity of the fact-finding process, fairness and convenience to the parties, expeditious process, and minimization of costs to the parties and the Commission. See 83 Ill. Ad. Code Section 200.25. These criteria would be violated if the Commission allowed Ameritech to withdraw its rate rebalancing petition.

## II. Other Issues

The City concurs with the Comments made by GCI in its Initial Brief on the Impact of HB 2900. Specifically, the City agrees that due to the risks of service quality degradation under alternative regulation and Ameritech's disgraceful service quality record under alternative

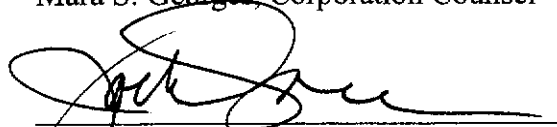
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<sup>1</sup>Section 5/2-1009 of the Illinois Code of Civil Procedure does not allow a party to unilaterally withdraw a case after hearings have been concluded. 735 ILCS 5/2-1009. The City submits that the Commission, like the courts, have an interest in preventing litigants from avoiding an adverse decision by withdrawing a case once it becomes evident that they will lose.

regulation, Ameritech should be held to a higher service quality standard with more severe penalties/credits than provided under Public Act 92-0022.

Respectfully submitted,

THE CITY OF CHICAGO  
Mara S. Georges, Corporation Counsel

A handwritten signature in black ink, appearing to read "Conrad Reddick", is written over a horizontal line.

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	)	
Complainants	)	Docket No. 00-0764 (consol.)
	)	
v.	)	
	)	
Illinois Bell Telephone Company, d/b/a Ameritech Illinois,	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

TO: See Attached Service List

PLEASE TAKE NOTICE that on August 13, 2001, I caused to be mailed to Donna M. Caton, Chief Clerk, Illinois Commerce Commission, 527 East Capitol Avenue, P.O. Box 19280, Springfield, Illinois 62794-9280, by Federal Express, postage prepaid, the original and three(3) copies of the City of Chicago's Reply Brief on Effect of Public Act 92-0022 on this Docket in the above-captioned docket.

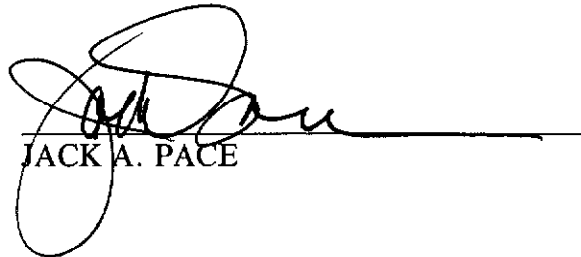
Dated: August 13, 2001

  
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**CERTIFICATE OF SERVICE**

I, Jack A. Pace, an attorney, hereby certifies that a copy of the foregoing City of Chicago's Reply Brief on Effect of Public Act 92-0022 on this Docket was served upon the party or parties listed on the attached service list, by Federal Express, hand delivery, e-mail or first class mail, postage prepaid, from Suite 900, 30 North LaSalle Street, Chicago, Illinois 60602, on August 13, 2001, in accordance with the Rules of Practice of the Illinois Commerce Commission.



A handwritten signature in black ink, appearing to read 'Jack A. Pace', is written over a horizontal line. Below the line, the name 'JACK A. PACE' is printed in a serif font.

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